

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO./ CUSTOMER NO.
10/714,765	17 November 2003	Salvatore J. Puleo Sr.	NATREE 3.1-004US 39428
			EXAMINER Jason Han
			ART UNIT 2875
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AMENDMENTS TO THE DRAWINGS

[none]

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REMARKS

Claims 15,17, 21, and 23 are pending in this application, all of which have been amended in response to rejections provided by the Examiner in the Official Action mailed June 24, 2005.

A Petition for a three-month Extension of Time, extending the deadline for this Response from September 24, 2005 to and including December 24, 2005, is submitted herewith. The Examiner is invited to treat this as an application for any other extensions of time necessary to provide this response.

As a first matter, the Examiner has indicated that the information disclosure statement filed April 22, 2005 failed to comply with the 37 CFR 1.98(a)(2) which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed has been placed in the application file. The applicant respectfully points out that each of the foreign references cited in the present application and to which the Examiner's objections pertain, namely DE 4118695; JP 04273286 and JP 06159739, have been properly submitted and considered in the parent patent application, U.S. Pat. Appln. No. 09/978,217, now U.S. Patent No. 6,648,497. As such, under 37 CFR 1.98(c)(2) the Applicant is not required to provide duplicate copies of the references in this application. Notwithstanding, the Applicant will represent these references for consideration by the Examiner in a paper submission following the filing of this Response.

The Examiner and the Applicant conducted a telephone interview on Wednesday, December 21, 2005 regarding the outstanding office action, and in particular, the multiplicity of references used in rejecting a number of the dependant claims in the application. The applicant respectfully acknowledges the Examiner's comments and suggestions presented in that conversation.

In significant regard, dependant claims 15, 17, 21 and 23 have been retained in this application and claims 15, 17 and 21 have been amended to include the limitations of the intervening claims in significant portions. The remaining claims in the application have been cancelled without prejudice. Each of the claims remaining in the application were originally rejected under 35 U.S.C. 103(a) in view of various combinations of four or five different references; different claims being rejected in view of different references. In each of these

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rejections, the Examiner stated that Pietrantonio et al. (U.S. Pat. No. 4,858,086), Kacheria (U.S. Pat. No. 5,779,353) and Benes (U.S. Patent 5,161,874) did not specifically teach either that the claimed safety mechanism is an electrical access opening for accepting an electrical plug whereby the claimed access door is prevented from opening to enable access to the electrical components when the plug is inserted (see Official Action of June 24, 2005, sections 20, 22), or that the combination of the these three references do not teach that the claimed safety mechanism is an electrical lock that locks the access door whereby the lock prevents access to the electrical components when the power is applied to the electrical components (see Official Action of June 24, 2005, sections 21, 23).

The applicant has made numerous amendments to the remaining claims in this application including the incorporation of the significant portions of the limitations of the antecedent independent and dependant claims and the incorporation of significant limitations from the preambles of those claims into the claims themselves.

Applicant respectfully asserts that in each of the rejections provided by the Examiner, none of the cited references, either alone or in combination, establish a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." See MPEP 2143.

The Applicant respectfully asserts that the additional references, beyond the above-listed three, provided in each of the rejections within sections 20, 21 and 22 are not analogous in that they would not have logically commanded themselves to the Applicant's attention when trying to solve the problems of the present invention. In particular, neither of the references, Marzec (U.S. Pat. No. 3,660,798) (directed to mechanical interlocking devices), or Scalza et al. (U.S. Pat. No. 3,910,617) (directed to solenoids) are in any way related to commercial decorative displays or safety devices within them. The fact that the reference can be combined or modified does not render the resulting combination obvious without a suggestion as to the desirability of the combination. *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990). As discussed

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above, there is no demonstrated desirability to provide the elements of claims 15, 17, 21 and 23 to the teachings of Pietrantonio et al., Kacheria, and Benes, which in and of themselves, do not properly render obvious these claims as amended.

The Applicant asserts that all the claims in the application are now in condition for allowance, and the Applicant respectfully requests issuance of the application.

The Examiner is encouraged to contact the representative for the Applicant with any questions concerning this application.

Respectfully submitted,



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PLEASE DIRECT ALL

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